

**FILED**

**APR 19 2017**

**STATE AND DISTRICT OF MONTANA, GREAT FALLS DIVISION  
GREAT FALLS, MONTANA**

Clerk, U.S. District Court  
Great Falls, Montana  
Great Falls

IN THE MATTER OF THE SEARCH  
OF:

A 2003 CHEVROLET SILVERADO  
TRUCK WITH MONTANA LICENSE  
PLATE BSG752

Case No. MJ-17-18-GF-JTJ

**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR SEARCH WARRANT**

I, William Kyle Sinclair, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Bureau of Indian Affairs, Office of Justice Services (BIA/OJS), Department of Interior, Blackfeet Agency, Browning, Montana. I have been a Special Agent with BIA/OJS since 2008. As part of my training, I attended the Federal Law Enforcement Training Center in Glynco, Georgia, and the Indian Police Academy in Artesia, New Mexico. I am currently assigned to investigate misdemeanor and felony offenses within Indian Country. I have a combined 27 years of Law Enforcement experience.

2. This affidavit is made in support of an Application for a Search Warrant authorizing a seizure and search of an Airbag Control Module which is located in a blue 2003 Chevrolet Silverado truck bearing Montana license plate number BSG752, and vehicle identification number (VIN) 1GCHK23163F251040.

3. The information contained in this affidavit is based upon my personal observations, interviews of witnesses, and my review of reports made by other

officers who have assisted in this investigation. I have not included all information known to me or other law enforcement with respect to this investigation, but only that information which is necessary to establish probable cause to search the items detailed herein.

4. On March 10, 2017, at approximately 11:30 am, the blue 2003 Chevrolet truck described above was involved in a two-vehicle traffic collision which occurred along U.S. Highway 2 between East Glacier and Browning, Montana. The location of the crash is within the exterior boundaries of the Blackfeet Indian Reservation.

5. I spoke with Trooper Terrance Melton, Montana Highway Patrol (MHP), who was dispatched to the scene of the crash. Trooper Melton has been a trooper with the Montana Highway Patrol since 2008. As part of his training he attended the Montana Law Enforcement Academy and the Montana Highway Patrol Advanced Academy. Trooper Melton is currently assigned to East Glacier Park, Montana, which is located on the Blackfeet Indian Reservation. His duties are to patrol and investigate crashes on Montana's roadways.

6. After assessing the scene, Trooper Melton determined that the truck was traveling eastbound when the driver of that vehicle lost control. The truck rotated counter-clockwise, traveled across the centerline of the highway, and struck a vehicle that was traveling westbound.

7. Four occupants of the westbound vehicle sustained serious injuries. The driver sustained a fractured left patella. An adult passenger sustained orbital fractures in the face, a right wrist fracture, and fractures of the left tibia and fibula. A four-year-old passenger sustained a brain bleed, and a two-year-old passenger, sustained broken femurs in both the right and left legs.

8. The blue 2003 Chevrolet Silverado pickup truck with Montana license plate BSG752 and VIN 1GCHK23163F251040, is registered to Jake D. Bell, P.O. Box 2718, Browning, Montana, 59417. This information was obtained from the Criminal Justice Information Network (CJIN). Based on my personal knowledge of Bell as well as my review of his tribal enrollment records, I have determined that Bell is an enrolled member of the Blackfeet Indian Tribe.

9. The crash in question occurred at approximately 11:30 am. Bell sustained injuries in the collision and was taken to the hospital. At around 1 pm, the hospital collected a blood sample from Bell, which revealed he had a blood alcohol content of .239.

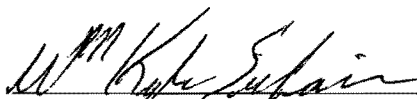
10. Based on my training, experience, and discussions with MHP Trooper Melton, I am aware that modern vehicles are equipped with a small computer called an "Airbag Control Module" which is also referred to as an "event data recorder." This device constantly monitors vehicle sensors and stores vehicle sensor information in a temporary memory file. During a triggering event, such a collision, the vehicle sensors cause the ACM to "wake up" the computer and it

permanently stores vehicle sensory information from a few seconds before impact in a memory file that can be downloaded. The information that can be obtained from the memory file includes vehicle speed; changes in vehicle speed; whether brake lights were on or off; engine speed; throttle position; airbag deployments; and seatbelt use.

11. Based on the foregoing, there is probable cause to believe that Jake Bell committed the crime of assault resulting in serious bodily injury, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6). Furthermore, there is probable cause to believe that Bell's vehicle contains an Airbag Control Module that recorded the data from Bell's vehicle in the seconds prior to the crash.

12. I respectfully request that the Court issue a warrant to search Bell's truck in order to locate and seize the Airbag Control Module contained therein.

Respectfully submitted,

  
Wm. Kyle Sinclair  
Special Agent, Bureau of Indian Affairs  
Browning, Montana

SUBSCRIBED and SWORN to before me this 19<sup>th</sup> day of April 2017.

  
HON. JOHN JOHNSTON  
United States Magistrate Judge